



MEETING DATE: April 23, 2025

AGENDA ITEM: 6. Portola Youth and Tobacco: Smoke Free High County- City Messaging to Retailers

FROM: Ryan Bonk

RE: Portola Youth and Tobacco: Smoke Free High County- City Messaging to Retailers

BACKGROUND:

On 01/22/2025, the City Council heard a presentation by Regina Martinez from Smoke Free High Country California Collaborative concerning a potential tobacco retailer licensing ordinance. At that time, the Council directed staff to perform additional research on the requests made of the City during the presentation.

RECOMMENDATION:

In subsequent analysis, the staff has determined that the request for ordinance adoption would not be recommended due to the following reasons:

- California Business and Professions Code (BPC) section 22972 already states a retailer shall have in place and maintain a license to engage in the sale of cigarettes or tobacco products
- Enforcement of tobacco retailer licensing in California is a joint effort between the California Department of Tax and Fee Administration (CDTFA), which issues tobacco retailer licenses, and local law enforcement agencies
- Law enforcement is contracted with the Plumas County Sheriff's Office
- Training requirements for City staff to properly enforce ordinance, including recruitment and assistance from person(s) over 18 years of age and under 21 years of age for enforcement
- Administration of an ordinance would incur costs to the City that are not currently budgeted

That being said, staff believes the City can be proactive in this request from Smoke Free High County by engaging our local retailers and communicating effectively with each retailer.

Staff is proposing that the attached letter be provided to any applicable retailers within the City in order to assist Smoke Free High Country in their endeavor.

Staff recommends that the City Council approve this letter and direct appropriate staff to engage in conversations with the local retailers on this topic.

FISCAL IMPACT:

The financial impact to approval of the recommendation will be staff time for the Public Engagement Officer to engage in the conversations with local retailers.

ATTACHMENTS:

A. TOBACCO RETAILER MESSAGING



City of Portola

35 Third Avenue - PO. Box 1225
Portola, California 96122
Phone: (530) 832-4216
Fax: (530) 832-5418
www.cityofportola.com

{Name of Retailer}
{Address of Retailer}

Dear {retail owner}:

The City of Portola wants to remind you of the following requirements of California law:

- California Penal Code Section 308(a) and The STAKE Act prohibit sales of tobacco and tobacco paraphernalia, including electronic cigarettes, to persons under the age of 21.
- Tobacco, electronic cigarettes, and tobacco paraphernalia must be kept out of reach of customers. This means no self-serve displays (except in tobacco stores, which still must keep cigarettes unreachable) and no vending machines in stores where minors have access. Cigarettes must be sold in their original pack; it is illegal to sell single cigarettes.
- STAKE Act signs must be posted at each cash register where the customer can see them. Signage requirements are dictated below.
- All tobacco retailers are required to have their valid California Cigarette and Tobacco Products Retailer's License posted where the public can see it.

**The Sale of Tobacco Products to Persons Under 21 Years
of Age Is Prohibited by Law and Subject to Penalties**

**To Report an Unlawful Tobacco Sale Call
1-800-5 ASK-4-ID**

Valid Identification May Be Required

Business and Professions Code Section 22952 21 U.S.C 387f(d)

This sign must be readable by the consumer and must not be altered,
covered or obliterated in whole or in part



- Open camera or QR code reader on your smartphone.
- Hold your smartphone over QR Code so that it's clearly visible within camera screen.
- Look for the notification banner or tap to trigger code's action.

INSTRUCTIONS:

California State Law requires this sign to be clearly posted at each cash register where tobacco products are sold. It must be placed where customers notice the sign and can easily read it.

Failure to post this sign subjects retailers to fines or incarceration, per California Penal Code Section 308(b) and Business and Professions Code Section 22952.

State law mandates that retailers **check the photo ID** of anyone who appears to be under 21 and **confirm that the purchaser is over 21**. BOTH the clerk and the store owner may be fined for selling tobacco to minors and violations can result in a criminal record.



Please continue to do your part in protecting our Portola youth from the harmful effects of tobacco in all its forms to their health and well-being.